

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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BERTHA STEELE,	:	CASE NO. 1:08 CV 01131
	:	
Plaintiff,	:	
	:	
-vs-	:	<u>ORDER ADOPTING REPORT AND</u>
	:	<u>RECOMMENDATION AND GRANTING</u>
	:	<u>DEFENDANTS' MOTION TO BE</u>
	:	<u>DECLARED "PREVAILING PARTIES"</u>
CITY OF CLEVELAND, et al.,	:	
Defendants.	:	

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UNITED STATES DISTRICT JUDGE LESLEY WELLS

This matter was referred to Magistrate Judge David S. Perelman (Doc. 28) to prepare a report and recommendation ("R&R") on Defendants' "Motion to be Declared "Prevailing Parties" and for an Award of Reasonable Attorneys' Fees, Nontaxable Expenses, and Taxable Costs, and for Submission of Evidence of Same." (Doc. 26). No response was filed either to the Defendants' motion, the Magistrate Judge's Memorandum of Opinion and Order, in which he recommends a finding that the Defendants are prevailing parties under 42 U.S.C. § 1988 and 28 U.S.C. § 1927, or to the Magistrate Judge's subsequent Report and Recommendation of an amount certain following an evidentiary hearing on attorneys' fees. (Doc. 29, Memorandum of Opinion and Order 12 July 2010; Doc. 31, Report and Recommendation 2 August 2010).

On 16 August 2010, Plaintiff untimely moved the Court for an extension, until 19 August 2010 to respond to the Magistrate Judge's Report and Recommendation. (Doc.

35). The Court granted Plaintiff's request for an extension of time to respond. Ultimately, however, neither the Plaintiff nor her attorney filed objections to the Magistrate Judge's findings and recommendations, and time has now run for any further filing on this matter.

No party has objected to the Magistrate Judge's R&R. Therefore, this Court will presume the parties are satisfied with the determination. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources.

Thomas v. Arn, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

Accordingly, the Magistrate Judge's 12 July 2010 Memorandum of Opinion and Order and subsequent R&R are adopted. In accord with that adoption, an award of fees under 42 U.S.C. § 1988 shall be made in favor of the Defendants and against the Plaintiff, as "prevailing parties", in the sum of \$11,145.00. Further, an award of fees under 28 U.S.C. § 1927 against the Plaintiff's attorney, Carolyn Kaye Ranke, is made in the amount of \$5,830.00.

IT IS SO ORDERED.

/s/Lesley Wells  
UNITED STATES DISTRICT JUDGE

Date: